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TO

Confirm an Order in Council of the Lord Lieutenant and Privy Council in Ireland relating to the Londonderry and Lough Swilly Railway.

A.D. 1898.

WHEREAS the Lord Lieutenant and Privy Council in Ireland have made the Order set forth in the schedule hereunto annexed under the Railways (Ireland) Act 1896:

59 & 60 Vict.  
c. 34.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

10 1. The Order set out in the schedule hereunto annexed is hereby confirmed and all the provisions thereof shall have full validity and force.

The Order is  
schedule  
confirmed.

2. This Act may be cited as the Tramways Order in Council (Ireland) (Londonderry and Lough Swilly (Letterkenny to Burton-  
15 port Extension) Railway) Confirmation Act 1898.

Short title.

A.D. 1898.

## SCHEDULE.

THE LONDONDERRY AND LOUGH SWILLY  
 (LETTERKENNY TO BURTONPORT) EXTENSION  
 RAILWAY ORDER 1898.

CADOGAN

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BY THE LORD LIEUTENANT AND PRIVY COUNCIL IN  
 IRELAND.

WHEREAS it has been certified to the Treasury by the Lord Lieutenant that the making of a railway under the Railways (Ireland) Act 1896 hereinafter called the Act of 1896 is necessary for the development of the district through which the railway hereinafter mentioned is intended to run that is to say between Letterkenny and Burtonport in the baronies of Raphoe South Kilnasrahan and Boyleagh in the county of Donegal but that owing to the exceptional circumstances of the district the said railway cannot be constructed without special assistance from the State :

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And whereas the Promoters of the said light railway are the Londonderry and Lough Swilly Railway Company having a railway namely the Londonderry and Lough Swilly Railway open for traffic :

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And whereas an inquiry as directed by the 9th section of the Tramways (Ireland) Act 1880 as altered by the Light Railways (Ireland) Act 1889 has been duly held in reference to the undertaking of the said intended railway and the report of the Board of Works made upon such inquiry has approved of such undertaking :

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And whereas by Articles of Agreement dated 6th day of January 1898 made between the Treasury of the first part the Commissioners of Public Works in Ireland of the second part and the Londonderry and Lough Swilly Railway Company of the third part which are set out in Schedule D to this Order the Treasury sanctioned the undertaking and agreed with the Londonderry and Lough Swilly Railway Company for the construction maintenance and working of the said intended railway upon the terms and conditions therein mentioned and further agreed to aid the construction of the same by a free grant of public money :

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And whereas the grand jury of the county of Donegal at the summer assizes 1897 acting in execution of the powers vested in them by the Tramways (Ireland) Acts 1880 to 1896 and pursuant to the Railways (Ireland) Order 1897 made the presentment which is set out in Schedule A to this Order and thereby duly approved of the construction of a light

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5 railway to connect the Londonderry and Lough Swilly Railway with the town of Burtonport and commencing by a junction with the Letterkenny Railway from a point distant 75 yards or thereabouts from the centre of the engine turntable at Letterkenny Station measured in an easterly direction along the main line of the said railway in the townland of Letterkenny in the parish of Conwall and terminating at a point on Burtonport Pier in the townland of Burtonport in the parish of Templecorone 33 yards measured north-easterly from the pier head of Burtonport and which light railway it is proposed to construct within the county of Donegal and the jurisdiction of the said grand jury. And by the Presentment in recital the said grand jury gave a baronial guarantee for the payment of dividends at the rate of 4l. per cent. per annum in perpetuity on such portion of the share capital of the undertaking not exceeding 5,000l. as should for the time being be paid-up capital:

15 And whereas on the 5th day of November 1897 the Londonderry and Lough Swilly Railway Company as the Promoters of the said undertaking presented a memorial to the Lord Lieutenant in Council praying for an Order to authorise the construction of the said light railway mentioned in the said memorial and to confirm the said agreement made by the Treasury and to sanction the promotion of the said light railway and the construction maintenance management and working thereof by the Londonderry and Lough Swilly Railway Company and to confirm the said Presentment and to sanction the raising of additional capital for the purposes of the railway and undertaking hereby authorised and of this Order:

25 And whereas an Appeal was lodged against the confirmation of the said Presentment:

And whereas the Londonderry and Lough Swilly Railway Company have established to the satisfaction of the Lord Lieutenant in Council that a copy of such proposed Order has been submitted to the proprietors of the said Railway Company as if such Order were a Bill promoted in Parliament by the Railway Company and that all matters and things have been done and have happened and all times have elapsed which if such Order were a Bill so promoted as aforesaid should have been done and have happened and elapsed in order to constitute compliance with the Standing Orders of Parliament applicable to Bills promoted by railway companies for the like purposes to those referred to in the fifth section of the Light Railways (Ireland) Act 1889:

And whereas it appears to the Lord Lieutenant in Council notwithstanding such Appeal that it is expedient to make the Order following:—

40 Therefore it is hereby declared and ordered by the Lord Lieutenant-General and General Governor of Ireland in exercise of the power in the Tramways (Ireland) Acts 1880 to 1896 and every other power enabling him in this behalf as follows by and with the advice of Her Majesty's Privy Council in Ireland:

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*Promoters.*

1. The Londonderry and Lough Swilly Railway Company shall be the Promoters for the purposes of this Order and the said company and their assigns are in this Order referred to as "the Promoters."

*Power to construct Lines.*

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2. The Promoters may construct maintain and work by locomotive engines or other mechanical power subject to the provisions of this Order and of the Acts incorporated therewith save as herein excepted the railway and tramway described in Schedule B to this Order which are herein-after collectively referred to as the railway in the direction and levels with the powers of deviation specified and described in the plans books of reference and sections deposited by the Promoters with the Secretary of the grand jury of the county of Donegal as the same have been modified by the Board of Works (herein-after respectively referred to as the deposited plans sections and books of reference) with all proper stations sidings approaches rails sleepers branch railways junctions passing places turntables tunnels bridges yards offices engine-houses stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof and (subject to the provisions of the said Acts and of this Order) may purchase acquire and hold all such lands and easements as may be necessary for the purpose of the railway and any stations engine-houses stables carriage-houses warehouses and other buildings and works requisite for the purposes of the railway.

*Promotion of the Undertaking by the Londonderry and Lough Swilly  
 Railway Company sanctioned.*

3. The promotion of the railway and the said undertaking by the Promoters and the taking by them of all proper and necessary steps to obtain this Order are hereby sanctioned.

*Confirmation of Agreement with Treasury.*

4. The agreement dated the 6th day of January 1898 made by the Treasury with the Promoters (herein-after called the Treasury Agreement) for the construction maintenance and working of the railway and that the said undertaking may be aided by a free grant of public money as set out in Schedule D hereto is hereby confirmed and the Promoters pursuant to section 5 of the Light Railways (Ireland) Act 1889 are hereby authorised to raise as capital such additional sum of money for such purpose in such manner as is herein-after specified.

*Gauge.*

5. The gauge of the light railway shall be 3 feet.

*Compulsory Purchase of Land.*

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6. The 42nd and 43rd sections of the Tramways (Ireland) Act 1860 shall not apply to this Order or the railway and from and after the time when this Order becomes binding the Promoters shall be empowered to  
5 put in force the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to such of the lands and premises delineated on the deposited plans and specified in the deposited books of reference as may be required for the purposes of this Order.

10 *Time for Compulsory Purchase.*

7. The powers of compulsory purchase conferred by this Order shall not be exercised after the expiration of three years from the time when this Order becomes binding.

*Land for Extraordinary Purposes.*

- 15 8. The quantity of land to be taken by the Promoters by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres.

*Time for Completion.*

9. The Promoters shall complete and finish ready for use the railway and  
20 shall provide to the satisfaction of the Commissioners of Public Works in Ireland the engines and rolling stock provided by the Treasury Agreement within three years from this Order becoming binding.

*Confirmation of Presentment of Grand Jury.*

10. The Presentment of the grand jury of the county of Donegal which is  
25 set out in the Schedule A to this Order is hereby confirmed so far as it relates to the charge to be defrayed by the parts of the baronies of Kilmacrenan Esphoe South and Boyleagh (herein-after called the guaranteeing area) in the county of Donegal for the payment of dividends at the rate of four per cent. per annum in perpetuity upon such portion of the share capital of the  
30 undertaking the guarantee on which is limited by this Order and to the proportions in which the said parts of the said baronies shall respectively be bound to contribute in respect of such guarantee.

*Limit of Guarantee *du*.*

11. The capital to which the guarantee set out in the said Presentment  
35 shall apply is hereby limited to the sum of 5,000*l*. The guarantee shall apply to so much of the capital so limited as is for the time being actually paid up.

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*No Treasury Guarantee under 9th Section of Tramways and Public  
 Companies (Ireland) Act 1883.*

12. The said parts of the said barony shall not be entitled in respect of any payment made by them in payment of the said dividends to any contribution or payment from the Treasury or the Board of Works under the 9th section of the Tramways and Public Companies (Ireland) Act 1883. 5

*Railway not to be assessed for Local Rates higher than Lands upon which  
 constructed during Ten Years.*

13. During the period of ten years from the date of the opening for public traffic of the railway and undertaking hereby authorised the said railway and undertaking shall not be assessed to any local rates at a higher value than that at which the land occupied by the railway would have been assessed if it had remained in the condition in which it was immediately before it was required for the purposes of the railway and the Lord Lieutenant is hereby authorised to extend such period from time to time as he may think fit. 15

*Right as to Roads.*

14. The Promoters shall not be deemed to acquire any right other than that of user only in the soil of any street or road along or across which they may lay the railway. 20

*Tolls.*

15. The Promoters shall be entitled to demand and take such tolls and charges as shall not exceed the maximum tolls rates and charges specified in the Railway Rates and Charges No. 26 (Athlery and Ennis Junction Railway Ireland) Order 1882 confirmed by the Railway Rates and Charges No. 26 (Athlery and Ennis Junction Railway Ireland) Order Confirmation Act 1882 or as may be hereafter from time to time fixed pursuant to the provisions of the Railway and Canal Traffic Act 1888 or any amendment thereof. 25

*Roof Loading.*

16. No passengers or goods shall be carried on the roof of any carriage except with the permission of the Board of Trade and subject to any conditions which they may impose. 30

*Motive Power.*

17. The carriages used on the railway may subject to the provisions of this Order be moved by animal power or steam power or any mechanical power. The exercise of the powers hereby conferred with respect to the use of steam 35

or any mechanical power shall be subject to any regulations which may be prescribed by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the railway.

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*Baronial Representation.*

18. The baronies and parts of baronies charged with any part of the said guarantee shall be represented in the direction or supervision of the affairs and finance of the Promoters so far as relates to the railway in manner following (that is to say):—

- (a.) The Presentment Sessions for the barony of Kilmacrennan may from time to time elect a person to act as director of the Promoters' Company pursuant to the provisions of the Tramways Ireland Act 1883.
- 15 (b.) Such Presentment Sessions may also from time to time and so often as shall be necessary appoint one auditor with power to inspect at reasonable times the books and accounts of the Promoters so far as they relate to the said undertaking and such Presentment Sessions may from time to time by like resolution fill any vacancy in the office of such auditor and appoint any other person in his room.
- 20 (c.) Such election of director and appointment of auditor shall be made annually at the Winter Presentment Sessions for the said barony of Kilmacrennan except in case of a vacancy occurring between such Winter Presentment Sessions in which case the next Presentment Sessions for such barony may appoint a temporary director or auditor to hold office until the next Winter Presentment Sessions.
- 25 (d.) The Winter Presentment Sessions for the baronies of Boyleagh and South Raphoe respectively may each of them from time to time and so often as shall be necessary appoint a delegate to attend and vote at general meetings of the Promoters' Company in business relating to the railway.
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*Remuneration of Grand Jury Director.*

19. The remuneration of the director elected by the Presentment Sessions for the barony of Kilmacrennan shall be 1*l.* 1*s.* for each board meeting of the Promoters held in relation to the railway as herein-after provided which he shall attend not exceeding in the whole 12*l.* 12*s.* per annum. The Promoters shall pay such remuneration to such director and shall also pay him in addition his actual travelling expenses.

*Separate Meetings.*

20. The Promoters shall hold separate board meetings for the transaction of business relating to the railway and undertaking authorised by this Order

A.D. 1896. as distinct from the existing railway and undertaking of the Promoters and the Promoters shall prior to such separate board meeting give three days' notice at least to each director after his appointment has been notified to them. Save as herein-before mentioned each director shall not be entitled to act upon the board of the Promoters.

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*Keeping of Accounts.*

21. The Promoters shall keep full true and distinct books of account showing traffic receipts from every source of the railway and its expenditures and they shall keep and preserve all receipts and other documents necessary for vouching same and shall at all times produce the said books, receipts and documents for the inspection of such auditor as the said Presentment Sessions may from time to time appoint to examine the same and also of such person or persons as the Treasury may from time to time appoint for the like purpose and also the arbitrators appointed pursuant to section 6 of the Tramways and Public Companies (Ireland) Act 1883.

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*Audit of Accounts.*

22. The accounts of the undertaking shall be audited twice in each year by such auditor as aforesaid and the Promoters shall produce for the inspection and examination of such auditor their books of account and all receipts and documents necessary for vouching the same and supply the auditor with all such further information as may be reasonably required by him for the purpose of auditing the said accounts. The expenses of the audit shall be paid by the Promoters and in case of difference as to their amount they shall pay such sum in respect of the said expenses as may be fixed by the Lord Lieutenant by any general or special Order. And such auditor shall on or before every 15th of May and 15th of November furnish a statement of the result of the audit with a summary of the accounts of the undertaking since the last preceding audit to the arbitrators appointed pursuant to section 6 of the Tramways and Public Companies (Ireland) Act 1883 and also to the secretary of the grand jury and to the Commissioners of Public Works in Ireland.

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*Provision for securing the Completion and Maintenance of the Railway pursuant to the Tramways and Public Companies (Ireland) Act 1883.*

23. The Promoters shall complete the undertaking within the time limited by this Order and shall (notwithstanding that the receipts from the undertaking are insufficient to defray the expenses of management and of efficiently working and maintaining the undertaking and before the grand jury are called upon to incur any liability under section 10 of the Act 46 & 47 Vict. c. 43. or under clauses 26 and 28 of this Order) at all times efficiently work the undertaking out of the earnings of the undertaking or if such earnings

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are insufficient then out of the general revenue and profits of the Londonderry and Lough Swilly Railway and shall at all times at the like expense maintain and keep the line in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic of any road on which the rails of the railway for the time being rest and shall at all times keep the said guaranteeing parts of the baronies of Kilmacrennan Raphoe South and Boyleagh which are herein-after referred to as the guaranteeing area indemnified against all expense or liability in respect thereof.

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*Inquiry as to default of Completion Working or Maintenance.*

24. In any case in which it is represented in writing to the Board of Trade by the grand jury or by twenty ratepayers of the guaranteeing area which is or which may become liable to any payments on account of any baronial guarantee given in respect of the railway that the Promoters have made any default in the completion working or maintaining of the line the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said Board such inquiry to be conducted in such manner as the Board of Trade may order and if the Board of Trade certify that the default mentioned in such representation has been proved to the satisfaction of the said Board the Promoters shall make good such default in the manner and within the time specified in such certificate.

*Committee of Management.*

25. If at any time the Board of Trade report to the Lord Lieutenant that the Promoters have failed to comply with a certificate of the Board of Trade issued by the Board under this Order the Lord Lieutenant may direct the grand jury to appoint a committee of management to manage and work and maintain the undertaking.

*Transfer of the Undertaking to the Grand Jury.*

26. If at any time the said parts of the said barony have been called upon to pay and have paid any money for completing the undertaking or have been called upon to pay and have continued to pay during a period of two years any money for maintaining or working the undertaking then the undertaking shall become the property of the grand jury subject to any liabilities affecting such undertaking or property and the Lord Lieutenant may thereupon order that the grand jury shall appoint a committee of management for the purposes of the undertaking.

*Constitution and Powers of Committee of Management.*

27. Every committee of management appointed under either of the last two sections of the Order shall be constituted in such manner and shall have such powers with reference to the undertaking as the Lord Lieutenant may order.

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*Grand Jury may present Necessary Sums.*

28. The grand jury shall from time to time present in advance or otherwise such sum as the committee so appointed may estimate or report to be necessary for the purposes for which the committee has been appointed to be levied off the guaranteeing area. The members of the committee shall be paid 5 by the grand jury out of moneys to be levied off the guaranteeing area such reasonable remuneration as the Lord Lieutenant may by general or special Order prescribe.

*Application of Money raised. County Surveyor if directed may act as Committee.*

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29. The committee of management shall apply the sums so presented in such manner as the order of the Lord Lieutenant may prescribe. Pending the giving of the direction to appoint a committee of management the Lord Lieutenant may direct the county surveyor to do all such matters and things as a committee of management might do if appointed during such period as 15 the Lord Lieutenant may direct.

*Grand Jury included in Definition of Promoters.*

30. If at any time the railway becomes the property of the grand jury or comes to be managed by a committee of management appointed in accordance with this Order the provisions of this Order shall so far as they are applicable 20 apply to the grand jury of the said county as if such grand jury were the Promoters within the meaning of this Order and the powers of compulsory purchase hereby conferred on the Promoters shall be exercisable (even though the time hereby fixed for their exercise shall have expired) by each committee and grand jury respectively during such time as shall be fixed by 25 the Lord Lieutenant.

*Power to raise Additional Guaranteed Capital.*

31. The Promoters (in addition to the capital which they are now authorised to raise) may for the purposes of the railway and the undertaking hereby authorised create and issue new shares bearing interest at the rate of 30 4 per cent. per annum secured by way of guarantee under the provisions of the said Prominent and this Order and the Tramways and Public Companies (Ireland) Act 1883. The total nominal value of the new shares so guaranteed shall not exceed 5,000*l.* and such shares are in this Order referred to as the Baronial Guaranteed Shares and shall be designated in the books of the 35 Promoters and on the certificates issued therefor by the same or other similar appropriate description.

*Amount of Shares.*

32. The Promoters shall not issue any share of the Baronial Guaranteed Shares of this Order of less nominal value than 10*l.* 40

*Application of Receipts.*

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33. The net receipts from time to time of the railway applicable to dividend (under the agreement with the Treasury) shall be applied in the first place in payment of dividend on the Baronial Guaranteed Shares at the rate of 4 per cent. per annum. The holders of these shares shall not in respect thereof be entitled to dividend out of any receipts or profits of the Promoters other than the net profits of the railway and the holders of the Baronial Guaranteed Shares shall not be entitled in respect thereof to any dividend in excess of 4 per cent. per annum but the surplus net profits of the railway in any half-year after payment of a dividend at the rate of 4 per cent. per annum on the Baronial Guaranteed Shares and subject to the rights of the baronies under the provisions of the 5th section of the Tramways and Public Companies (Ireland) Act 1883 shall belong to the Promoters subject to the Treasury Agreement.

*Right to vote in respect of new Shares and Stock.*

34. The Baronial Guaranteed Shares shall not confer on the holders thereof any right to vote at any meeting of the Promoters.

*Application of Moneys.*

35. All moneys raised under this Order shall be applied for the purposes of the railway and undertaking hereby authorised and of this Order only.

*Copy of Map Plan and Book of Reference to be lodged with Board of Trade.*

36. Within one calendar month from the date of this Order the Promoters shall lodge with the Board of Trade one copy of the map and plans describing the railway together with one copy of the book of reference.

*For Protection of the Postmaster-General.*

37.—(1) This Order shall be deemed to be included in the definition of "Act of Parliament" contained in the Telegraph Act 1878.

(2) The Promoters shall not alter or divert or in any way interfere with any telegraphic line of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

38. In the event of the railway being worked by electricity the following provisions shall have effect:—

(1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction

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of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator. 5

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters, the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection. 10

- (3) (a.) Before any electric line is laid down or any act or work for working the railway by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. 15 20 25

(b.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration. 30

- (4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues. 35

- (5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof 40

stating the reason for doing or executing the same without previous notice. A.D. 1868.

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1873 shall be deemed to be incorporated with this Act as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1873 in relation to the matters mentioned in that section.

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

(11.) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages on the said railway.

*Works below High-water Mark not to be commenced without consent  
of Board of Trade.*

39. The Promoters shall not under the powers of this Order construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and refluxes any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to each plan and under such restrictions and regulations as the Board of Trade may approve of each approval being signified as last aforesaid and where any such work may

A.D. 1898. have been constructed the Promoters shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Order the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Promoters and the amount of such costs and charges shall be a debt due from the Promoters to the Crown and shall be recoverable accordingly with costs. 5

*Protection of Navigation.*

40. Sections 13 to 19 both inclusive of the Railway Clauses Act 1863 shall (so far as the same are applicable) be incorporated with and form part of this Order and in construing these sections of the last-mentioned enactment the words railway and work shall be taken to mean and include a tramway as defined by section 25 of the Tramways and Public Companies (Ireland) Act 1883 as modified by section 5 of the Railways (Ireland) Act 1890. 15

*Saving Rights of the Crown in the Foreshore.*

41. Nothing in this Order shall authorise the Promoters to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's Most Excellent majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty. 25

*Saving Rights of the Crown under Crown Lands Act.*

42. Nothing contained in this Order or to be done under the authority thereof shall in any manner affect the title to or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1886 and belonging to or exercisable by Her Majesty Her heirs or successors. 30

*Incorporation of Acts.*

43. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Acts respectively incorporated with the Tramways (Ireland) Acts and any amendment of any of such Acts respectively shall subject to the provisions of the Tramways (Ireland) Acts be incorporated with this Order except where the same are expressly varied by this Order. 35

The provisions of the said Acts directing deposits to be made with clerks of the peace (except the provisions relative to access to the special Act) and with clerks of Poor Law Unions and postmasters and the provisions with respect to the crossing of roads and other interferences therewith (other than the provisions of the Railways Clauses Consolidation Act 1845 sections 65 66 67) and the provisions with respect to the use of locomotive engines or other moving power not being animal power are hereby excepted out of the incorporation herein-before made.

*Interpretation.*

44. In this Order unless there be something in the subject or context repugnant to such construction the several words terms and expressions to which meanings are assigned by the Tramways (Ireland) Acts or the Acts wholly or partially incorporated herewith have the same meanings respectively and in the construction of the said Acts for the purposes of this Order the expressions used therein shall have the meanings respectively assigned to them by section 20 of the Tramways (Ireland) Act 1860 as if this were an Order confirmed by Act of Parliament.

The expression "the railway" and "the undertaking" shall mean respectively the railway and the tramway and works and the undertaking authorised by this Order.

The term "the Tramway Ireland Acts" means the tramways (Ireland) Acts 1860 to 1896.

*Short Title*

45. This Order may be cited for all purposes as the Londonderry and Lough Swilly (Letterkenny to Burtport Extension) Railway Order 1898.

*Costs of Order.*

46. The costs charges and expenses of obtaining this Order and any proceedings preliminary or otherwise in relation thereto including the expenses incurred by the grand jury of the county of Donegal in relation thereto shall be paid by the Promoters.

Given at the Council Chamber Dublin Castle the  
May 1898.

day of

A.D. 1896. SCHEDULE A referred to in the foregoing Order containing the Presentment of the grand jury of the county of Donegal.

In the Matter of the LETTERKENNY AND LOUGH SWILLY RAILWAY (LETTERKENNY AND BURTONTORT EXTENSION).

DONEGAL SUMMER ASSIZES, 1897.

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6 & 7 Wm. IV. c. 116. 23 & 24 Vict. c. 182. 24 & 25 Vict. c. 102. 34 & 35 Vict. c. 114. 46 & 47 Vict. c. 43. sec. 1 52 & 53 Vict. c. 60. 59 & 60 Vict. c. 34.

We the grand jury of the county of Donegal having heard the application of the Londonderry and Lough Swilly Railway Company the Promoters of the light railway mentioned in the First Schedule hereto for our approval 10 of the said light railway and for a guarantee on portion of the share capital of the undertaking and having had produced before us the documents mentioned in the Second Schedule and having considered the said proposal and what was urged on its behalf by counsel for the Promoters and what was urged by other persons interested (1) Do hereby approve of the said 15 undertaking and hereby authorise the Promoters to construct maintain and work the said light railway subject to such modification (if any) as shall be required or approved by the Lord Lieutenant in Council (2) and we the grand jury of the said county assembled as aforesaid hereby approve of the draft endorsed with the signature of the foreman of this grand jury of the 20 proposed Order in Council and sanction same subject to any alterations or amendments in same which may be made by the Lord Lieutenant in Council (3) and we the grand jury of the said county as aforesaid do hereby present as follows viz.:—The following townlands in the parish of Conwall and barony of Kilmacreehan viz.:—Ballybolander Ballynakilly Bohewlan 25 Breenagh Cabra Brook Cabra Glebe Carnatrentagh Carrick Carrickyscanlan Cashelroagh Cloncarney Craghy Crossoga Derrera Doon Glebe Drumore Drumbologo Drumcarany Drumman Drummacanoe Drumshammer Fahykeen Foxhall Glenkeeragh Keelages Kilbeak Maghmagran Pollans Procklis Roshia Sencor Stackarnagh Templedooglas Treanbeg Tullanascree 30 Tollychullion Whitehill and the following townlands in the parish of Conwall and barony of South Raphoe viz.:—Ballygallan Ballygawley Barrack Drumansight Killymasny Lenalea Moenadara Milltown Treankeel and Tollyhonor the entire parish of Gartan with the exception of the townland of Loughbarra the following townlands in the parish and barony of 35 Kilmacreehan—Ballybuninabber Ballykeeran Barnes Upper and Barnes Lower Cashel Cashelcreehan Cashelgny Clonkillybog Clonkillymore Cottin Currin Derrisligh Doon Drumabedan Drumbrick Drumdoevin Drumessan Drumimgagh Drumaghill Edencarnan North Edencarnan South Fawans Goldrum Gortaleragh Gortnaskeagh Keemaghan Kilconnell Killougherran Knockna- 40 bollan Lymaherry Letter Letterfad Maasmagh Moenbanone Procklis Rathconnell Sockar Straguddy, Tiragus Tirkillin and the following townlands in the parish of Meevagh and barony of Kilmacreehan Aghashor



- Carnagore Carriokart Clontallagh Croevagh Dnagh Downies Downies Bar  
 Drumadutton Drumlackagh Dunmore Glengillagiana High Glenieragh  
 Glenineeny Glennacnagh Glenree Gortnalaghoge Kill Larginreagh Larginreagh  
 Barr Magheramagorran Meenformal Meenlaragh Roseenna Turagh and  
 5 Umlagh and the entire parishes of Clondahorkoy Raynunderdoney and  
 Tulloghobegley in the barony of Kilmacrenan and parish of Templecrone  
 in the barony of Boyleagh shall be charged and chargeable with the payment of  
 half-yearly dividends at the rate of four per cent. per annum in perpetuity  
 upon such portion of the share capital of the said undertaking not to exceed  
 10 in the whole the sum of 5,000*l.* sterling as shall for the time being be paid-up  
 capital as defined by the Tramway and Public Companies (Ireland) Act 1883  
 and herein after referred to as the guaranteed capital and that if and when at  
 any time after the opening of the said light railway the net receipts therefrom  
 shall not amount to a sum equal to a dividend at the rate aforesaid on the  
 15 said guaranteed capital then the sum required to make up and pay such  
 dividend shall be paid by the said parts of the said baronies as herein-after  
 specified and the said parts of the said baronies shall be liable to contribute  
 to the payment in manner aforesaid according to the respective rateable  
 valuations of the said parts of the said baronies respectively and the said  
 20 parts of the said baronies shall not be entitled to any contribution or payment  
 from the Treasury or Board of Works under section 9 of the Tramway and  
 Public Companies (Ireland) Act 1883 provided always that the net receipts  
 of the light railway shall be applied to the payment of the said dividend in  
 priority to any other purpose whatsoever and that no liability under this  
 25 guarantee shall attach to the said baronies or any part thereof in any half-  
 year in which the said light railway shall have earned net receipts amounting  
 to a dividend at the rate of four per cent. per annum on the said guaranteed  
 capital and also that the parts of the said baronies as herein-before respectively  
 specified shall become chargeable under the circumstances specified in the  
 30 Tramways and Public Companies (Ireland) Act 1883 for the completing  
 maintaining and working of the light railway but upon condition that the  
 Londonderry and Lough Swilly Railway Company shall construct and  
 complete and for ever work and maintain at their own expense the light  
 railway and indemnify the said baronies from all costs and expenses occasioned  
 35 thereby and all liability thereunder provided that the said baronies or the  
 parts thereof specified shall be represented in the direction of the affairs and  
 finance of the company so far as it relates to the affairs of the said light  
 railway in respect of which such baronies or parts thereof are proposed to be  
 charged in manner following The Presentment Sessions of the barony of  
 40 Kilmacrenan may from time to time elect a person to act as director of the  
 said Londonderry and Lough Swilly Railway Company pursuant to the  
 provisions of the Tramways (Ireland) Act 1883 and may from time to time  
 and so often as shall be necessary appoint one auditor with power to inspect  
 at reasonable times the books and accounts of the Promoters so far as they  
 45 relate to the said undertaking and each Presentment Sessions may from time

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to them by like resolutions fill any vacancy in the office of such auditor and remove such auditor and appoint any other person in his room each election of a director and appointment of auditor to be made annually at the Winter Presentment Sessions for said barony of Kilmaecran except in case of a vacancy occurring between such Winter Presentment Sessions in which case the next Presentment Sessions for such barony may appoint a temporary director or auditor to hold office until the next ensuing Winter Presentment Sessions And that the Winter Presentment Sessions for the baronies of Boylagh and South Raphoe may each of them from time to time and so often as shall be necessary appoint a delegate to attend and vote at the general meetings of the said company on business relating to the said light railway.

Presented

JAMES HAMILTON

For self and fellows.

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FIRST SCHEDULE referred to in foregoing Presentment.

15

Description of the light railway above referred to—

A light railway commencing by a junction with the Letterkenny Railway at a point in the townland of Letterkenny and parish of Conwall distant seventy-five yards or thereabouts from the centre of the engine turntable at Letterkenny Station measured in an easterly direction along the main line of said railway and passing thence through the several townlands parishes and baronies set out in the advertisement and memorial to the Lord Lieutenant herein dated 11th June 1897 and terminating at a point on Burtonport Pier in the townland of Burtonport and parish of Templecrone and barony of Boylagh thirty-three yards measured north-easterly from the pier head of Burtonport.

JAMES HAMILTON.

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SECOND SCHEDULE referred to in foregoing Presentment.

Advertisements memorial to Lord Lieutenant draft Order in Council plans sections books of reference schedules estimates board of works' report county surveyors' report and notices to owners and occupiers.

JAMES HAMILTON.

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SCHEDULE B.

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PART I.

*Route of Railway.*

35

A light railway commencing by a junction with the Letterkenny Railway at a point in the townland of Letterkenny and parish of Conwall distant

seventy-five yards or thereabouts from the centre of the engine turntable at Letterkenny Station measured in an easterly direction along the main line of said railway and passing thence through the several townlands parishes and baronies in Schedule C. mentioned and terminating at a point on Burtonport Pier in the townland of Burtonport and parish of Templemore and barony of Boylagh thirty-three yards measured north-easterly from the pier head of Burtonport.

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PART II.

*List of Level Crossings.*

10	No. on Plan.	Townland.	Parish.
	1	Letterkenny - - - - -	Coswal.
	2	" - - - - -	"
	3	" - - - - -	"
15	5	Glenkeragh - - - - -	"
	6	Drumcannon - - - - -	"
	8	Drumcanny - - - - -	"
	9	Carnstromagh - - - - -	"
	10	Clencorney - - - - -	"
20	11	" - - - - -	"
	12	Deon - - - - -	Kilmairenan.
	13	Curra - - - - -	"
	14	" - - - - -	"
	15	Derrislig - - - - -	"
25	16	Grogagh - - - - -	Clondahorky.
	17	Creelagh - - - - -	"
	18	" - - - - -	"
	19	" - - - - -	"
	21	Moyra Glebe - - - - -	Raymasterdowry.
30	22	Dunmore - - - - -	"
	23	Tullaghobegley Scotch - - - - -	Tullaghobegley.
	24	" Irish - - - - -	"
	25	Cashelagor - - - - -	"
	26	Fawboy - - - - -	"
35	27	Keelrum Upper - - - - -	"
	28	Meenderrygumph - - - - -	"
	29	Dore - - - - -	"
	30	Croly - - - - -	"
	31	Loughmore - - - - -	Templemore.
40	32	Drumacart Mountain Pasture - - - - -	"
	34	Keadew - - - - -	"
	35	Craickaghmore - - - - -	"
	37	Leckernagh - - - - -	"
	38	" - - - - -	"

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*Bridges under the Line.*

No. on Plan.	Townland.	Parish.	
4	Doon Glebe . . . . .	Conwal.	
	25 feet span 15 feet high.		5
—	Carrick . . . . .	"	
	20 feet span 12 feet high.		
—	Derriscligh . . . . .	Kilmacrenan.	
	25 feet span 15 feet high.		
—	Croily . . . . .	Tullaghobegley.	10
	10 feet span 15 feet high.		
33	Meenabund . . . . .	Templecrone.	
	16 feet span 15 feet high.		

SCHEDULE C.

The townlands or part or parts of the townlands of Letterkenny in the parish of Conwal Oldtown Greave Greave Glebe and Rockhill all in the parish of Leck Bomany in the parish of Conwal Ballyconnelly and Ardshoe both in the parish of Leck Milltown Drumnasight Doon Glebe Whitehall Glenkeeragh Ballynakilly Tullychullion Drummascunoo Drumbologe Temple-douglas Cabra Glebe Cabra Brooke Drumcavy Carrick Carnatracantagh Boholan and Cloncarney in the parish of Conwal Doon Tirkillen Drumlagh Currin Towane Barnes Lower Drumdeevin Barnes Upper Stragradly and Derriscligh in the parish of Kilmacrenan Derryfad Drumnaserry Drumnaraw Garvary Mountain Tirlin Grogagh Ballyboe Roscad and Cresslough in the parish of Clondahorky Killoughcaran in the parish of Kilmacrenan Cresslough Massiness Kilmackilloo Cressganure Faymore Carrowmasaddy and Kildarragh in the parish of Clondahorky Bay Moyra Glebe and Dunmore in the parish of Raymaunterdoney Clonbars Tullaghobegley (Scotch) Beltany Lower Tullaghobegley (Irish) Cashelnagore Fawanboy Keeldrum Upper Meenacung Meenderrygumph Ardans Dore Crolly and Cronagiggy in the parish of Tullaghobegley Killindarragh Moenderryasloe Loughanure Annagry Drumnasert Mountain Meenbennad Keedew Cruickagmore Clogherdillure Roshin Acres Leckenagh Roshin Lodge Leckbeg and Burtonport in the parish of Templecrone and part of the townland of Figary in the parish of Upper Fahan said lands being situate in the baronies of Raphoe North Raphoe South Innishowen West Kilmacrenan and Boyleigh in the county of Donegal as same are more particularly shown and numbered on the maps plans sections and book of reference deposited in pursuance of the Tramways Acts with the secretary of the grand jury and the county surveyors for the said county and the board of works.

SCHEDULE D.

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*The Agreement with the Treasury.*

- Articles of Agreement made the Sixth day of January one thousand eight hundred and ninety-eight between H. T. Anstruther Esq. M.P. and W. Hayes  
5 Fisher Esq. M.P. two of the Lords Commissioners of Her Majesty's Treasury of the first part the Commissioners of Public Works in Ireland of the second part and the Londonderry and Lough Swilly Railway Company of the third part Supplemental to Articles of Agreement dated the Eleventh day of March One thousand eight hundred and ninety-seven and made between  
10 Lord Stanley M.P. and the Right Honourable H. T. Anstruther M.P. two of the Lords Commissioners of Her Majesty's Treasury of the first part the Commissioners of Public Works in Ireland of the second part and the Londonderry and Lough Swilly Railway Company of the third part whereby it was agreed that the said Company should construct maintain and work a  
15 narrow gauge railway between Benersna and Carnlough both in the county of Donegal hereinafter called the principal agreement Whereas it has been certified to the Treasury by the Lord Lieutenant that the making of a railway under the Railways (Ireland) Act 1896 hereinafter called the Act of 1896 from the town of Letterkenny via Foxhall Cresslough Fiddler's  
20 Bridge Gweedore Hotel Cully Bridge to a point in the parish of Templemore all in the county of Donegal is necessary for the development of the resources of the district lying between the said town of Letterkenny and the village of Burtosport in the said parish of Templemore which said district consists wholly or mainly of congested districts counties but that owing to the  
25 exceptional circumstances of the district the railway cannot be constructed without special assistance from the State And whereas the Treasury are satisfied that the Londonderry and Lough Swilly Railway Company being an existing railway company will if an advance is made by the Treasury under section 1 of the Act of 1896 construct work and maintain the railway And  
30 whereas the Treasury are satisfied that landowners local authorities and other persons locally interested have by a free grant of land or otherwise given all reasonable assistance and facilities in their power for the construction of the railway And whereas the railway will be situate wholly or mainly in a Congested Districts county as defined by the Purchase of Land (Ireland)  
35 Act 1891 And whereas surveys maps plans and estimates for the construction of the railway have been submitted to the Board of Works pursuant to section 1 subsection 4 of the Act of 1896 And whereas the report of the Board of Works made upon the inquiry required by section 9 of the Tramways (Ireland) Act 1860 as altered by section 7 of the Light Railways (Ireland)  
40 Act 1889 hereinafter called the Act of 1889 and by the Act of 1896 and the Railways (Ireland) Order 1897 approved of the undertaking And whereas the grand jury of the county of Donegal at the Summer Assizes 1897 for the

A.D. 1899. county of Donegal made the presentment and guarantee hereinafter mentioned And whereas subject to the confirmation of the said presentment and of this agreement by the Lord Lieutenant in Council the Treasury have agreed with the company pursuant to the provisions of the Acts of 1889 and 1896 to aid the undertaking by a free grant out of public money of a capital sum to be 5 ascertained as hereinafter mentioned and which is hereinafter referred to as the free grant Now these presents witness that in exercise of the statutory powers in the Acts of 1889 and 1896 and of every other power enabling them it is hereby agreed and declared between the Treasury and the company and as a separate agreement it is hereby declared between the company and the 10 Board of Works as follows that is to say—

*Interpretation.*

1. In the construction of this agreement the following words and expressions shall have the meaning hereby assigned to them unless there is something in the context repugnant thereto that is to say— 15
  - "The Treasury" means the parties hereto of the first part and includes any other persons now or hereafter Lords Commissioners of Her Majesty's Treasury.
  - "The Board of Works" means the Commissioners of Public Works in Ireland. 20
  - "The Company" means the Lough Swilly Railway Company.
  - "The Railway" and the "Undertaking" respectively mean the projected narrow gauge railway between the town of Letterkenny via Foxhall Creeslough Fiddler's Bridge Gweedore Hotel Crolly Bridge to a point in the parish of Templemore all in the county of Donegal. 25
  - "The Works" mean the line of railway stations goods stores offices gate lodges buildings furniture fittings telegraphs telephones signals weigh-bridges cranes scales ticket desks bridges crossings and all other works necessary for or ancillary to the completion of the permanent way but does not include engines carriages and waggon. 30

*Application for Presentment and for Order in Council.*

2. The Company having obtained from the Grand Jury of the county of Donegal hereinafter called the Grand Jury at the Summer Assizes 1897 for the county of Donegal a presentment hereinafter called the presentment approving of the undertaking and authorising the Company to construct 35 maintain and work the same subject to such modifications (if any) as may be required or approved of by the Lord Lieutenant in Council and charging the following townlands in the parish of Conwall and barony of Kihnacran viz. Ballybolander Ballynakilly Bohavian Breenagh Cabra Brook Cabra Glebe Carnatrentagh Carrick Carrickyscanlan Cashelreagh Clooncarney 40 Otaghy Cromaga Derrora Doon Glebe Dromore Drumboleg Drumcavany Drumenan Drummacanoo Drumnashammer Fahykeen Foxhall Glenkoeragh

Keelages Kilpeack Maghernagran Pollana Proeklis Roshia Sencor Stackarnagh A.D. 1898.  
Temple Douglas Treanbeg Tullanascree Tollychellion Whitehill and the  
following townlands in the parish of Conwal and barony of South Raphoe  
viz. Ballygallan Ballygawley Barrack Drumanaught Killymassey Lenalea  
5 Meenadaura Milltown Treankeel and Tollyhonour the entire parish of Gartau  
with the exception of the townland of Lougharra the following townlands in  
the parish and barony of Kilmarrennan viz. Ballybuninabber Ballykeeran  
Barnes Upper and Barnes Lower Cashel Casheleenan Cashelgay Clonkillybeg  
Clonkillymore Cottain Curra Derrisidigh Doon Drumahodan Drumbeek  
10 Drumadeevin Drumessan Drumlargagh Drumohill Edesacarnan North  
Edenacarnan South Fawans Goldrum Gortnalragh Gortnaskagh Keshaghan  
Kileonnell Killoogherran Knocknabollan Lagnaherry Letter Letterfad  
Massragh Meenahone Proeklis Rathdonnell Socker Stragradhy Tiragus  
Tirkillin and the following townlands in the parish of Meevagh and barony  
15 of Kilmarrennan Aghadaahor Oarragore Carrickart Clontallagh Creevagh  
Doagh Downies Downies Bar Drumdutton Drumlackagh Dunmore Glengilla-  
grana High Gleniaragh Gleinoony Glenmoghagh Glewree Gortnaghoge  
Kill Laganragh Laganragh Barr Magheramagoran Meenformal  
Meenlaragh Roseperna Toragh and Umlagh and the entire parishes of  
20 Clondaherkey Raymunderdowey and Tullaghohogley in the barony of  
Kilmarrennan and the parish of Templecree in the barony of Boyleagh with  
the payment of half-yearly dividends at the rate of 4l. per cent. per  
annum in perpetuity upon the sum of 5,000l. the proposed guaranteed  
capital of the undertaking pursuant to the Tramways and Public Companies  
25 (Ireland) Act 1883 and the Acts of 1889 and 1896 without any contribution  
in respect of such guarantee being payable by the Treasury shall forthwith  
apply to the Lord Lieutenant in Council under the Tramways Ireland Acts  
1880 to 1896 for an Order in Council hereinafter called the Order authorising  
the construction maintenance and working of the railway by the Company  
30 and confirming the presentment and this agreement.

*Free Grant and Amount of Same.*

3. Subject to the making of the Presentment and Order and the observance  
and performance by the Company of the covenants agreements and conditions  
contained in these presents the Treasury in exercise of the powers in the  
35 Acts of 1889 and 1896 enabling them hereby sanction the undertaking or  
any modification thereof which they may approve and agree to aid the  
construction and equipment of the same by a free grant of public money of  
the amount hereinafter mentioned that is to say the amount of the free grant  
shall be ascertained as follows—Tenders shall be obtained by public  
40 competition for an entire or inclusive contract for the works purchase of  
land and all other expenses incurred or to be incurred by the Board of Works  
and the Company in connection with the promotion and construction of the  
railway and from the amount of the lowest tender of a competent solvent

A.D. 1898. — contractor of whose competency and solvency the Treasury shall be sole judges there shall be deducted the sum of money produced by the issue of the guaranteed capital of the Company and the remainder including the amount required for the engines and rolling stock shall be the amount of the free grant.

5

*Conditions of Expenditure.*

4. The expenditure of all moneys by the Company for the purposes of the undertaking shall be subject to the following conditions:—

- (1) The money shall be applied for the purposes of the undertaking to the satisfaction of the Board of Works. 10
- (2) The expenditure of money shall be vouched to the satisfaction of the Board of Works.
- (3) The appointment of a land valuer shall be subject to the approval of the Board of Works.
- (4) The Board of Works with the sanction of the Treasury shall appoint an engineer to inspect and report to them from time to time on the works and such engineer shall be paid out of the moneys to be provided by the free grant under Clause 3 for the expenses of the Board of Works such remuneration as the Treasury may consider reasonable. 15

*Application of 200,000*l.* of Free Grant.*

20

5. Upon the Order being obtained the Treasury will advance to the Company by such instalments as they may think fit for defraying the costs and expenses properly and necessarily incurred by them in promoting the undertaking and obtaining the Order and in the purchase of the land necessary for the construction of the railway and in the execution of the works thereof such sums not exceeding 200,000*l.* out of the free grant as the Board of Works may from time to time certify for. 25

*Issue of Guaranteed Share Capital.*

6. The Company shall issue the entire of their guaranteed share capital either in stock or shares in sums of not less than 10*l.* and shall prove to the satisfaction of the Board of Works that such share capital has been subscribed for fully paid up and expended as hereinbefore provided before they can call on the Treasury to make any advance beyond the sum of 200,000*l.* on account of the free grant hereby agreed to be given. 30

*Advance of the Grant.*

35

7. Upon the expenditure of the moneys produced by the issue of the guaranteed share capital of the Company being duly vouched to the satisfaction of the Board of Works the Treasury will advance to the Company the



residue of the free grant as hereinbefore is provided with respect to the 200,000*l.* subject nevertheless as a condition precedent to the payment of every such instalment that the Board of Works shall previously have certified that the expenditure then made by the Company leaves a margin beyond  
 5 such payment of at least the sum of 5,000*l.* Before being entitled to the payment of the last advance the Company shall complete and finish the undertaking to the satisfaction of the Board of Works and Board of Trade and open the same for public traffic.

*Working Plans and Specifications.*

- 10 8. The working plans sections and specifications for the permanent way and bridges the design and specification for all stations and other buildings telegraphs telephones and any modifications of the works shall from time to time when prepared by the company's engineer be lodged with and submitted to the Board of Works for their approval.

15 *Tenders.*

9. At least one month's previous notice of all tenders for the execution of the works shall be given by advertisement in a form to be approved of by the Board of Works in such newspapers as they may direct such form to be lodged with the Board of Works for their approval within seven days after  
 20 the said working plans sections specifications and designs have been approved of as aforesaid and all sealed tenders shall be addressed under cover as follows: "(Tender for Letterkenny and Burtonport Railway) The Secretary of the Lough Swilly Railway Company care of the Secretary to the Commissioners of Public Works Custom House Dublin."

- 25 The tenders shall be opened at the Custom House Dublin in presence of some person or persons appointed by the directors of the Company to represent them and of one at least of the Commissioners of Public Works and no tender shall be accepted except the person tendering and the security which he proposes to give for the execution of the works shall have been  
 30 approved of by the Board of Works.

*Contracts.*

10. Every contract for the execution of the works or any part thereof shall before it is entered into be submitted to the Board of Works for approval and shall contain in addition to the usual clauses such other clauses and  
 35 conditions as having regard to the nature of the transaction the Board of Works may consider to be necessary or desirable All payments on foot of any such contract may, if the Board of Works think fit be made by them direct to the contractor in such manner and subject to such conditions as regards detention money and all other matters and things as may be provided  
 40 by the contract and the Board of Works may be a party to any contract.

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*Covenant to complete &c.*

11. The Company hereby covenant with the Treasury that they will complete and finish the line to the satisfaction of the Board of Works and of the Board of Trade and will open the same for public traffic within the time limited by the Order and in accordance with the provisions of this agreement. And that if the free grant shall from any action or omission of the Company not approved by the Board of Works prove insufficient for the purposes aforesaid the Company will raise and expend all such further sums of money as may be necessary for the same purpose and will complete and open the railway for traffic as aforesaid.

And it is hereby declared that neither the certificate of the Board of Works nor of the engineer of the Board of Trade shall of itself be such evidence of the completion of the undertaking as to entitle the company to payment of the last instalment of the free grant as hereinbefore mentioned but the concurrence of both the Board of Works and the engineer and the proper equipment of the line pursuant to the provisions of this agreement and the opening of the same for public traffic shall all be conditions precedent to the payment of the said last instalment provided always that if the free grant together with the moneys produced by the issue of the guaranteed capital of the Company shall be more than sufficient for the completion and equipment of the railway the free grant shall be proportionately reduced it being the true intent and meaning of these presents that the Treasury shall not under any circumstances be bound to contribute any moneys beyond what may be necessary along with the moneys produced by the issue of the guaranteed capital of the Company to complete the construction of the works of the railway and its equipment. The engines and rolling stock to be of suitable type for the efficient working of the line. The engines and rolling stock shall be legibly inscribed with the words "Letterkenny and Burtonport Extension Railway" or some other appropriate designation or mark to distinguish them as belonging to the Undertaking for the benefit of which they shall be exclusively used. And the Company shall not encumber lease assign or part with the possession of any of the engines or rolling stock of the Undertaking. If from any cause no contract for the execution of the works has been entered into within six months from the Order in Council being recommended to be passed the Board of Works may if they think fit and with the sanction of the Treasury by themselves or their contractors construct the railway and equip it and for these purposes may use all the purposes vested in the Company by the Order in Council and mutatis mutandis the provisions of this agreement shall apply to the railway so constructed and equipped.

*Maintenance.*

12. So soon as the railway shall have been completed and opened for traffic the Company hereby covenants with the Treasury to work and manage the

same in an efficient and substantial manner and so as to develop the resources of the district for the development of which the railway is constructed and will also maintain the same in good order repair and condition and open for public traffic for ever (such maintenance to include the construction of such additional sidings and other works and conveniences (if any) as may from time to time be required for the public accommodation if the same shall become necessary by reason of increased traffic).

#### *Traffic Provisions.*

18. The Company hereby covenant with the Treasury that so soon as the undertaking is opened for traffic they the Company will for ever thereafter run daily as many trains as will fully meet the requirements of the passenger and goods traffic from time to time with a minimum of two trains each week-day each way and one each way on Sundays and that all such trains shall be run at such times as will in the opinion of the Board of Works afford all reasonable and requisite facilities for through as well as for local passenger and goods traffic.

#### *Through Booking Arrangements.*

14. The Company shall on the completion of the railway enter into the necessary arrangements with other companies for through booking of passengers and goods to the satisfaction of the Board of Works.

#### *Application of Receipts of Railway.*

15. Without prejudice to the right of the shareholders of the guaranteed capital of the undertaking and the guaranteeing area the receipts arising from the intended railway shall be applied as follows that is to say The Company shall be entitled as between the Treasury and themselves to actual working expenses up to a maximum of £l. 10s. 6d. per mile per week and the surplus receipts (if any) from the proposed railway after deducting therefrom (a) any sums to which the guaranteeing area may be entitled by Statute in respect of their guarantee and (b) any loss in actual working expenses incurred in all or any previous half-year or years by the Company up to £l. 10s. 6d. per mile per week shall be divided equally between the Company and the Treasury For the purposes of the foregoing provision additional working expenses (if any) over £l. 10s. 6d. per mile per week shall be defrayed by the Company Provided always that the net surplus receipts above mentioned or any part thereof instead of being divided as aforesaid may in any half-year from time to time by agreement between the Treasury and the Company be applied in the construction of the additional sidings and other works and conveniences hereinbefore covenanted to be made by the Company without prejudice nevertheless to the Company's obligation to construct the same at their own expense.

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*Accounts.*

16. The Company shall keep all such accounts and vouchers as shall be proper and sufficient for the purposes of this agreement and the Tramways (Ireland) Acts 1860 to 1896 which accounts and vouchers shall be open at all reasonable times to any auditor appointed by the Treasury or Board of Works or in pursuance of the same Acts.

*Abstract of Accounts.*

17. The Company shall twice in each year on days to be fixed by the Order in Council transmit to the Treasury and the Board of Works accurate abstracts of such of the accounts as are from time to time necessary to be shown for the purposes of this agreement. And if the Treasury or the Board of Works within one month after the transmission to them of any abstract of accounts shall require the Company to verify the same such abstract shall be verified accordingly and shall if necessary be made correct and shall from thenceforth be deemed a settled account.

But if one month be permitted to pass without the verification of such abstract of accounts having been required the same shall be deemed to be a settled account and no account once settled shall be re-opened.

For the purposes of verifying such abstract the Company shall produce all necessary books documents and vouchers to the auditor or other person appointed by the Treasury or the Board of Works whenever so required and the Treasury and the Board of Works auditor's fees and expenses shall as between the Company and the Treasury be part of the expenses of the line.

*State Purchase.*

18. In case the State shall at any time during the lives of Her Majesty Queen Victoria Her children grandchildren and great grandchildren now living or within a period of twenty years from the death of the last survivor purchase the existing undertaking of the company in ascertaining the value of such existing undertaking the proposed railway shall not in any way form an asset of the company in ascertaining the price to be paid.

Provided nevertheless that in ascertaining such price the company shall be entitled to the then value of all capital expenditure laid out by the company out of their own moneys on the proposed line after it has been opened for traffic inclusive of the guaranteed capital of the undertaking and inclusive of the expenditure on any works executed by the company on their existing line in consequence of their undertaking the working and development of the said railway pursuant to the terms of this agreement.

Provided further that all expenditure to be allowed for as in this paragraph mentioned shall be made with the assent and to the satisfaction of the Board of Works.

*Indemnity to the Treasury and the Board of Works.*

19. Nothing herein contained shall charge affect or incumber the real or personal estate of the parties hereto of the first part or the corporate property of the Board of Works they having executed these presents only in their

respective capacities of Lords Commissioners of Her Majesty's Treasury and Commissioners of Public Works in Ireland and having no personal interest therein. A.D. 1898.

*User of the Letterkenny Railway.*

- 5 20. The Company shall be entitled to use the Letterkenny Railway for the purpose of conveying such of the engines waggons and rolling stock of the undertaking as may from time to time require repair to the company's repairing sheds for the purpose of having such repairs executed without the Board of Works demanding any toll in respect of such user.

10 *Construction of Agreement.*

21. The Treasury shall be sole judges of the construction of this agreement and of all matters and things therein referred to save as regards the working plans specifications and designs or the works to be executed under this agreement in which case should the Company's engineer and the Board of Works disagree the matter in dispute shall be settled by an appeal to the Board of Trade on the application of either party and the decision of the Board of Trade thereon shall be final.

- 20 In witness whereof the parties of the first part have hereunto respectively subscribed their names and affixed their seals and the parties of the second and third parts have caused their common and corporate seals to be hereunto respectively affixed the day and year first in these presents written.

Signed sealed and delivered by

H. T. Anstruther

and

- 25 W. Hayes Fisher  
 two of the Lords Commissioners of Her  
 Her Majesty's Treasury in presence  
 of—

W. A. Barnes

- 30 L. G. L. Nichol

Treasury Messengers.

Present when the Common Seal of the  
 Commissioners of Public Works in Ireland  
 was affixed—

- 35 W. M. Lane

Solicitor

Board of Works

Dublin.

- 40 Present when the Corporate Seal of the  
 Londonderry and Lough Swilly Railway  
 Company was affixed—

Frederick Dawson

Secretary.

6th January 1898.

H. T. ANSTRUTHER.

L.S.

W. H. FISHER.

L.S.

HENRY WILLIAMS

Secretary.

Seal of the  
 Commissioners  
 of Public  
 Works in  
 Ireland.

Seal of the  
 Londonderry  
 and Lough Swilly  
 Railway  
 Company.

JOHN M'FARLAND

Chairman.

**Tramways Order in  
Council (Ireland)  
(Londonderry and  
Lough Swilly Railway).**

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**A**

**B I L L**

To confirm an Order in Council of the  
Lord Lieutenant and Privy Council  
in Ireland relating to the London-  
derry and Lough Swilly Railway.

*(Prepared and brought in by  
Mr. Attorney General for Ireland and  
Mr. Solicitor General for Ireland.)*

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*Ordered, by The House of Commons, to be Printed,  
10 May 1886.*

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